

Practitioner's Docket No. 3780.002

COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dennis J. Klein et al.

Application No.: 10/760,336

Group No.: 1742

Filed: 06/15/2005

Examiner: Harry D. Wilkins, III

For: APPARATUS AND METHOD FOR THE CONVERSION OF WATER INTO A NEW GASEOUS AND COMBUSTIBLE FORM AND THE COMBUSTIBLE GAS FORMED THEREBY

Patent No.: 6,866,756

Issue Date: March 15, 2005

Name of Inventor(s): Dennis J. Klein

Name of Invention: APPARATUS FOR PRODUCING ELECTROLYTICALLY AND COLLECTING SEPARATELY TWO GASES

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

## Identification of Person(s) Making This Disclaimer

I, Dennis G. LaPointe, represent that I am the attorney of record and I represent Dennis J. Klein.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10\*

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## TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Date: 6/15/05

Robin Dee Carter

(type or print name of person certifying)

\* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Terminal Disclaimer to Obviate a Double Patenting Rejection--page 1 of 2

Dennis J. Klein is an applicant and assignee of record of this instant application 10/760,336 and is the applicant/owner of US 6,866,756.

#### EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

#### DISCLAIMER

##### (Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,866,756 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No. 6,866,756, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

#### DISCLAIMER FEE (37 C.F.R. § 1.20(d))

Small entity--fee \$65.00.

Small entity statement already filed in patent application 10/760,336 on January 20, 2004.

#### FEE PAYMENT


Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 503368.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Date: 6/15/05

Reg. No.: 40,693  
Tel. No.: 727-943-9300  
Customer No.: 24040

  
\_\_\_\_\_  
Signature of Attorney of Record  
DENNIS G. LAPOINTE  
LAPOINTE LAW GROUP, PL  
P.O. BOX 1294  
TARPON SPRINGS, FL 34688

Practitioner's Docket No. 3780.002

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In re application of: Dennis J. Klein et al.

Application No.: 10/760,336

Group No.: 1742

Filed: 06/15/2005

Examiner: Harry D. Wilkins, III

For: APPARATUS AND METHOD FOR THE CONVERSION OF WATER INTO A NEW GASEOUS AND COMBUSTIBLE FORM AND THE COMBUSTIBLE GAS FORMED THEREBY

Patent No.: 6,689,259

Issue Date: February 10, 2004

Name of Inventor(s): Dennis J. Klein

Name of Invention: Mixed Gas Generator

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))****Identification of Person(s) Making This Disclaimer**

I, Dennis G. LaPointe, represent that I am the attorney of record and I represent Dennis J. Klein.

Dennis J. Klein is an applicant and assignee of record of this instant application 10/760,336 and is the applicant/owner of US 6,689,259.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\****(When using Express Mail, the Express Mail label number is mandatory;  
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Terminal Disclaimer to Obviate a Double Patenting Rejection--page 1 of 2

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**DISCLAIMER FEE (37 C.F.R. § 1.20(d))**

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**FEE PAYMENT**

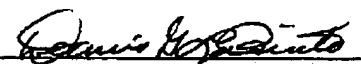
Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 503368.

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\_\_\_\_\_  
Signature of Attorney of Record  
DENNIS G. LAPOINTE  
LAPOINTE LAW GROUP, PL  
P.O. BOX 1294  
TARPON SPRINGS, FL 34688

Terminal Disclaimer to Obviate a Double Patenting Rejection--page 2 of 2

App use through 07/31/2008. OMB 0851-0031  
U.S. Patent and Trade Office U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 10/760,336 First Named Applicant: Dennis Klein et al.  
Examiner: H.D. WILKINS III Art Unit: 1742 Status of Application: Non-Final

#### Tentative Participants:

(1) Klein (2) Representative  
(3) Examiner (4) \_\_\_\_\_

Proposed Date of Interview: Mutually Agreed Upon Proposed Time: 10:00 (AM/PM)

#### Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☒ YES ☐ NO

If yes, provide brief description: Photos sent by response (non-final)

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rejection of pending claims</u>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

#### Brief Description of Arguments to be Presented:

Photos submitted with response and differences between prior art cited and invention.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Dennis G. Labowitz  
Applicant/Applicant's Representative Signature

\_\_\_\_\_  
Examiner/SPE Signature

DENNIS G. LABOWITZ  
Typed/Printed Name of Applicant or Representative

40693  
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.